

HOUSE BILL NO. 182

INTRODUCED BY ROME

BY REQUEST OF THE DEPARTMENT OF COMMERCE

ABILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING OUTDATED REFERENCES PERTAINING TO THE DEPARTMENT OF COMMERCE FOLLOWING ITS 2001 REORGANIZATION; CHANGING THE RESPONSIBILITY FOR MONUMENTATION AND RELATED SURVEY REQUIREMENTS TO THE BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; REVISING RULEMAKING AUTHORITY FOR THE OFFICE OF ECONOMIC DEVELOPMENT; AMENDING SECTIONS 2-15-150, 23-5-631, 30-16-303, 50-60-313, 53-2-1203, 76-3-403, AND 90-1-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**SECTION 1. SECTION 2-15-150, MCA, IS AMENDED TO READ:**

**"2-15-150. (Temporary) Lewis and Clark bicentennial commission -- membership -- purpose -- account.** (1) There is a Lewis and Clark bicentennial commission.

(2) The commission consists of 12 members, as follows:

(a) nine members who must be appointed by the governor, at least three of whom must be enrolled members of a Montana Indian tribe and live on a Montana Indian reservation, who shall serve 3-year staggered terms, who shall represent Montana's different geographical areas, and who must have an interest in the history of the Lewis and Clark expedition;

(b) the director of the Montana historical society, established in 22-3-101;

(c) the administrator of the parks division within the department of fish, wildlife, and parks, established in 2-15-3401; and

(d) ~~the director of travel Montana~~ administrator of the Montana promotions division within the department of commerce, established in 2-15-1801.

(3) The commission is responsible for coordinating and promoting observance of Montana's bicentennial commemoration of the Lewis and Clark expedition and the importance of the roles played by Montana's Indian people to the Lewis and Clark expedition. The commission may:



- 1 (a) cooperate with national, regional, statewide, and local events promoting the bicentennial;  
2 (b) plan and coordinate or assist in planning and coordinating bicentennial events;  
3 (c) engage in fundraising activities, including revenue-earning enterprises and the solicitation of grants,  
4 gifts, and donations;  
5 (d) promote public education concerning the Lewis and Clark expedition and the history and culture of  
6 Montana's Indian people at the time of the Lewis and Clark expedition; and  
7 (e) perform other related duties.
- 8 (4) (a) The Lewis and Clark bicentennial commission is authorized to enter into contracts, loan  
9 agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$3  
10 million, payable over a term not to exceed 6 years, for the purposes identified in subsection (3).  
11 (b) The Lewis and Clark bicentennial commission shall pledge to the repayment of any indebtedness  
12 the proceeds from the sale of Lewis and Clark bicentennial license plates as provided in 2-15-151.  
13 (c) The proceeds of any loan from the board of investments to the Lewis and Clark bicentennial  
14 commission must be deposited in the account established in subsection (5).
- 15 (5) There is a Montana Lewis and Clark bicentennial account. Money in the account may include money  
16 from revenue-earning enterprises, grants, gifts, or donations, money appropriated by the legislature, and interest  
17 earned on the account. Account funds must be used for the purposes described in this section.
- 18 (6) The commission is attached to the Montana historical society for administrative purposes only as  
19 provided in 2-15-121. (Subsections (1) through (3), (5), and (6) terminate December 31, 2007--sec. 2, Ch. 428,  
20 L. 1997; subsection (4) terminates December 31, 2006--sec. 17, Ch. 414, L. 2001.)"

21  
22 **Section 2.** Section 23-5-631, MCA, is amended to read:  
23 **"23-5-631. Examination and approval of new video gambling machines and associated equipment**  
24 **-- fee.** (1) The department shall examine and may approve a new video gambling machine or associated  
25 equipment or a modification to an approved machine or associated equipment that is manufactured, sold, or  
26 distributed for use in the state before the video gambling machine or associated equipment is sold, played, or  
27 used. A licensed manufacturer or distributor may bring a video gambling machine or associated equipment  
28 authorized by this chapter into the state for research and development on behalf of a licensed manufacturer prior  
29 to submission of the machine or equipment to the department for approval.  
30 (2) A video gambling machine or associated equipment or a modification to an approved machine or

1 associated equipment may not be examined or approved by the department until the video gambling machine  
2 manufacturer is licensed as required in 23-5-625.

3 (3) All video gambling machines or associated equipment approved by the ~~department of commerce~~  
4 state prior to October 1, 1989, must be considered approved under this part.

5 (4) The department shall require the manufacturer seeking the examination and approval of a new video  
6 gambling machine or associated equipment or a modification to an approved machine or associated equipment  
7 to pay the anticipated actual costs of the examination in advance and, after the completion of the examination,  
8 shall refund overpayments or charge and collect amounts sufficient to reimburse the department for  
9 underpayments of actual costs.

10 (5) Payments received under subsection (4) are statutorily appropriated to the department, as provided  
11 in 17-7-502, to defray the costs of examining and approving video gambling machines and associated equipment  
12 and modifications to approved machines and associated equipment and to issue refunds for overpayments.

13 (6) The department may inspect and test and approve, disapprove, or place a condition upon a video  
14 gambling machine or associated equipment or a modification to an approved machine or associated equipment  
15 prior to its distribution and placement for play by the public. A manufacturer, distributor, or route operator may  
16 not supply a video gambling machine or associated equipment to a manufacturer, distributor, route operator,  
17 or operator unless the machine or equipment has been approved by the department."  
18

19 **Section 3.** Section 30-16-303, MCA, is amended to read:

20 **"30-16-303. Participation of state agencies.** (1) The legislature directs full participation in the  
21 implementation of this chapter by:

22 (a) the departments of agriculture, ~~commerce~~, environmental quality, revenue, justice, labor and  
23 industry, and public health and human services;

24 (b) the secretary of state;

25 (c) the public service commission; and

26 (d) other agencies as directed by the governor.

27 (2) The board of review may include licenses not specified in 30-16-301 in a plan for streamlined  
28 registration and licensing if:

29 (a) the agency administering the license requests that the license be included in the plan;

30 (b) the board of review approves including the license by a majority vote of a quorum of the board of

1 review; and

2 (c) licensees affected by the license's inclusion in the plan are given 60 days' notice of the plan's  
3 implementation and the notice sets forth in detail the changes in the licensing procedures.

4 (3) If a license is included in a streamlined registration and licensing plan pursuant to subsection (2):

5 (a) the agency administering the license may provide for a variance in the timing of the payment of the  
6 license fee and a variance in the application form, filing date, and penalty provisions in order to conform with the  
7 plan's criteria;

8 (b) the board of review shall provide for the equitable proration to the agency administering the license  
9 of any fees paid by a licensee prior to the plan's implementation; and

10 (c) the license must be processed and issued by the department of revenue as provided in this chapter.

11 (4) (a) In order to defray the costs associated with administering a streamlined registration and licensing  
12 plan, the department may require a transfer of funds from the participating agencies in an amount equal to no  
13 more than one-half of the total cost of processing and issuing a license.

14 (b) The amount remaining of the total cost of processing and issuing a license may be charged to the  
15 license applicant.

16 (c) The amount of funds transferred by an agency must be based on the number of licenses processed  
17 and issued on behalf of that agency versus the total number of licenses processed and issued under the  
18 streamlined registration and licensing plan."

19

20 **Section 4.** Section 50-60-313, MCA, is amended to read:

21 **"50-60-313. Petition for designation of county jurisdictional area and adoption of building code.**

22 (1) A county jurisdictional area and a building code applicable to that area may be adopted by petition as  
23 provided in this section.

24 (2) A petition may be circulated by the record owner of real property to which the county jurisdictional  
25 area will be applied or extended for the purpose of gathering signatures on the petition. Only a record owner of  
26 real estate within the proposed county jurisdictional area is qualified to sign a petition.

27 (3) A petition to designate a county jurisdictional area may also be circulated by the board of county  
28 commissioners. A petition circulated by the board of county commissioners is not subject to the requirements  
29 of 50-60-310.

30 (4) Before a petition may be circulated for signatures, the language of the proposed building code must

1 be approved by the department of labor and industry and the form of the petition must be approved by the  
 2 election administrator of the county in which the real property is located. A building code proposed pursuant to  
 3 this section must be approved by the department of ~~commerce~~ labor and industry if it meets the criteria provided  
 4 in 50-60-302 for the approval of a code within a code enforcement program. The election administrator shall  
 5 approve the form of the petition if the petition meets, ~~and the election administrator shall comply with,~~ the  
 6 requirements of 7-5-134, 7-5-135, and this section, and the election administrator shall comply with those  
 7 requirements, except that:

8 (a) the number of valid signatures required for the creation or extension of the county jurisdictional area  
 9 is a majority of the record owners of real property located within the proposed jurisdictional area; and

10 (b) a petition containing the number of valid signatures required by this section is not submitted to a vote  
 11 by electors.

12 (5) An individual circulating a petition for signatures ~~must~~ shall make available to individuals who may  
 13 sign the petition a copy of the building code approved by the department of labor and industry and a map  
 14 showing the county jurisdictional area within which the code will apply. The petition must clearly indicate that the  
 15 individual signing the petition read and understood the provisions of the code and understood the geographic  
 16 area in which the code would be applied.

17 (6) The county jurisdictional area and the building code applicable to that area become effective 60 days  
 18 after the determination by the county election administrator that the petition has been signed by the number of  
 19 record owners of real property required by this section.

20 (7) (a) Except as provided in this subsection, once adopted by petition as provided in this section, a  
 21 county building code may not be amended except by petition in accordance with this section or by submitting  
 22 the modification to the electors as provided in 50-60-312.

23 (b) A county building code adopted by petition may be modified without petition or election if:

24 (i) the modification consists of a provision taken from a uniform or model building code; and

25 (ii) the provision does not regulate a wholly new component of a structure, such as wiring, plumbing, or  
 26 concrete foundation, that was previously unregulated."

27

28 **Section 5.** Section 53-2-1203, MCA, is amended to read:

29 **"53-2-1203. State workforce investment board -- membership -- duties.** (1) There is a state  
 30 workforce investment board.

- 1 (2) The state board consists of:
- 2 (a) the governor or a person designated by the governor to act on behalf of the governor;
- 3 (b) two members of the house of representatives, each from a different political party, and two members
- 4 of the senate, each from a different political party, appointed by the presiding officer of each respective chamber;
- 5 and
- 6 (c) individuals appointed by the governor, including:
- 7 (i) representatives of businesses located in Montana who:
- 8 (A) are owners of businesses, chief executive or operating officers, and other business executives or
- 9 employers with optimum policymaking or hiring authority, including business members of local boards; and
- 10 (B) represent businesses with employment opportunities that reflect the employment opportunities in
- 11 Montana;
- 12 (ii) chief elected officials of local government;
- 13 (iii) representatives of labor organizations;
- 14 (iv) representatives of individuals and organizations who have experience with respect to youth activities;
- 15 (v) representatives of individuals and organizations who have experience and expertise in the delivery
- 16 of workforce investment activities;
- 17 (vi) representatives of the state agencies who are responsible for the programs and activities that are
- 18 carried out by the one-stop centers, including but not limited to:
- 19 ~~(A) the department of commerce;~~
- 20 ~~(B)~~(A) the department of labor and industry;
- 21 ~~(C)~~(B) the department of public health and human services;
- 22 ~~(D)~~(C) the office of the commissioner of higher education; and
- 23 ~~(E)~~(D) the office of public instruction; and
- 24 (vii) other representatives that the governor may designate.
- 25 (3) The selection and appointment of members of the state board must follow the nominating provisions
- 26 of section 111 of the Act (29 U.S.C. 2821).
- 27 (4) The governor shall appoint enough individuals described in subsection (2)(c)(i) so that those persons
- 28 compose a majority of the membership of the state board.
- 29 (5) The governor shall consider the special needs of Montana's hard-to-serve Indian population and the
- 30 state's relationship with tribal governments when making appointments to the state board.

1 (6) The state board shall perform the functions described in section 111 of the Act (29 U.S.C. 2821)."

2

3 **Section 6.** Section 76-3-403, MCA, is amended to read:

4 **"76-3-403. Monumentation.** (1) The ~~department of labor and industry~~ board of professional engineers  
5 and professional land surveyors shall, in conformance with the Montana Administrative Procedure Act, prescribe  
6 uniform standards for monumentation and for the form, accuracy, and descriptive content of records of survey.

7 (2) It is the responsibility of the governing body to require the replacement of all monuments removed  
8 in the course of construction."

9

10 **Section 7.** Section 90-1-114, MCA, is amended to read:

11 **"90-1-114. Rulemaking authority.** (1) The office of economic development ~~shall~~ may adopt rules to  
12 implement the provisions of 2-15-218, 2-15-219, 90-1-112, 90-1-113, and this section. The rules must include  
13 but are not limited to:

14 (a) criteria for providing assistance to communities; and

15 (b) coordinating economic development efforts among other state agencies, Montana tribal  
16 governments, private enterprise, federal agencies, and local governments.

17 (2) The office may adopt rules necessary to administer the duties and responsibilities of the office."

18

19 NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.

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